

November 21, 2006

DECISION AND ORDER  
OF THE DEPARTMENT OF ENERGY

Supplemental Order

Name of Petitioner: Crude Oil Supplemental Refund Distribution

Date of Filing: November 17, 2006

Case Numbers: RB272-10090

This decision grants supplemental crude oil refunds. The names of the recipients and the amount of the refunds are listed in the Appendix to this decision.

This supplemental refund decision concerns the crude oil overcharge refund proceeding. Pursuant to the long-standing policy of the Department of Energy (DOE), thousands of purchasers of petroleum products have applied for, and been granted, refunds from crude oil overcharge funds under the jurisdiction of the DOE's Office of Hearings and Appeals (OHA). See Modified Statement of Restitutionary Policy In Crude Oil Cases, 51 Fed. Reg. 27899 (August 4, 1986). The standards for considering Applications for Refund from these crude oil funds are set forth at 10 C.F.R. Part 205, Subpart V. The deadline for applications in the crude oil proceeding was June 30, 1995.

The OHA has approved more than 87,000 crude oil overcharge refund applications. A claimant is generally eligible for a refund equal to the number of gallons of eligible refined petroleum products it purchased during the period August 19, 1973 through January 27, 1981, multiplied by a per gallon refund amount. That per gallon refund amount, also referred to as the volumetric, is derived by dividing the total refund monies available by the total U.S. consumption of petroleum products during the crude oil price control period. Originally, the DOE calculated refunds at a \$0.0002 per gallon volumetric. In 1989, the DOE increased the volumetric to \$0.0008 per gallon, and applicants paid at the lower \$0.0002 per gallon rate were eligible for a \$0.0006 per gallon supplemental payment. See Crude Oil Supplemental Refund Distribution, 18 DOE ¶ 85,878 (1989). In 1995, the DOE increased the volumetric to \$0.0016 per gallon, and applicants paid at the lower \$0.0008 per gallon rate were eligible for a \$0.0008 per gallon supplemental payment.

On January 13, 2006, the DOE announced that applicants paid at the lower \$0.0016 per gallon rate are now eligible for an additional \$0.000695389 per gallon supplemental refund. 71 Fed. Reg. 2195 (January 13, 2006). Refunds are rounded to the nearest dollar.

In order to receive a supplemental refund check, applicants are required to verify that their name and address in our records are correct, to correct any information that is not accurate, and to verify whether the refund cannot be paid to the original applicant for any reason, e.g., due to death, divorce, bankruptcy or dissolution of a business.

This decision approves supplemental refunds for the applicants listed in the Appendix to this decision. For each applicant, the Appendix contains the name, case number, and the amount of the supplemental refund. The decision approves supplemental refunds for 75 applicants, totaling \$66,428.00.

It Is Therefore Ordered That:

(1) The Director of Special Accounts and Payroll, Office of Departmental Accounting and Financial Systems Development, Office of the Controller of the Department of Energy shall take appropriate action to disburse the supplemental refunds set forth in the Appendix to this Order.

(2) The funds shall be disbursed from the escrow fund denominated Crude Tracking-Claimants 4, Account No. 999DOE010Z, maintained at the Department of the Treasury.

(3) Applicants shall notify the Office of Hearings and Appeals in the event that there is a change of address, or if an address correction is necessary. Such notification shall be sent to:

Director of Management Information  
Office of Hearings and Appeals  
Department of Energy  
1000 Independence Avenue, S.W.  
Washington, D.C. 20585-0107

(4) Any conditions imposed that applied to an applicant's receipt of the initial crude oil refund shall also apply to that applicant's receipt of this supplemental refund.

(5) The determinations made in this Decision and Order are based upon the presumed validity of the statements and documentary material submitted by the applicants. This Decision and Order may be revoked or modified at any time upon a determination that the basis underlying a refund application is incorrect.

(6) This is a final Order of the Department of Energy.

George B. Breznay  
Director  
Office of Hearings and Appeals

Date: November 21, 2006

**Appendix - Supplemental Refund Case No. RB272-10090**

<b>Case No.</b>	<b>Firm</b>	<b>Volume</b>	<b>Refund</b>
RF272-00169	COCA-COLA BOTTLING NEW ENGLAND	6,377,034	\$4,435.00
RF272-00410	KNOUSE FOODS	5,602,727	\$3,896.00
RF272-01015	JOHN H. WOLGEMUTH	232,388	\$162.00
RF272-01774	LITTLE TWIST FARMS	228,480	\$159.00
RF272-02995	H.B. IVES, A. HARROW CO.	871,812	\$606.00
RF272-02996	FAIRVIEW EVERGREEN NURSERIES	265,608	\$185.00
RF272-03558	ROBERT A. SEGER	731,307	\$509.00
RF272-04221	P & H MEARS, INC.	708,288	\$493.00
RF272-04924	BARBEE-NEUHAUS IMPLEMENT CO.	297,903	\$207.00
RF272-06256	SPIKE FARMS	230,194	\$160.00
RF272-06818	ZIMMERMAN FARMS	221,340	\$154.00
RF272-07449	SAM FAULKNER	212,486	\$148.00
RF272-10331	WALT WALDEN	297,757	\$207.00
RF272-11993	RUBEN ZWEYGARDT	215,419	\$150.00
RF272-12215	J.B. GAY & SON, INC.	937,420	\$652.00
RF272-12652	M. WILSON TRUCKING	273,400	\$190.00
RF272-13423	G.T. HAMILTON	564,506	\$393.00
RF272-14420	SNAKE RIVER RANCHES, INC.	244,485	\$170.00
RF272-15455	UINTAH SCHOOL DIST.	846,225	\$588.00
RF272-16774	T-CROSS RANCHES	282,438	\$196.00
RF272-18839	ZANTO RANCH, INC.	207,670	\$144.00
RF272-20168	HEWIT SOAP CO., INC.	955,975	\$665.00
RF272-26827	HERITAGE FARM INC.	530,605	\$369.00
RF272-26943	WANKEN FARMS, INC.	1,062,432	\$739.00
RF272-26970	RALPH L. HARMON	398,412	\$277.00
RF272-31516	GREAT LAKES CONSTRUCTION CO.	9,596,309	\$6,673.00
RF272-31791	KEYSTONE CULLET CO.	531,831	\$370.00
RF272-32099	MAROTTI FARMS	637,459	\$443.00
RF272-32805	SUBURBAN WATER SYSTEMS	526,500	\$366.00
RF272-34530	OLSEN BROTHERS	203,633	\$142.00
RF272-38743	ROBERTA ENGESSER	354,144	\$246.00
RF272-41246	WILLIAMSBURG COMMUNITY HOSP.	738,246	\$513.00
RF272-43623	WERTHEIMER BAG CO.	358,500	\$249.00
RF272-44530	DOUGLAS KRAMER	243,000	\$169.00
RF272-45135	TURNER COLONY	984,520	\$685.00
RF272-45504	BAY STATE TAXI, INC.	3,111,760	\$2,164.00
RF272-48411	PAUL DAVIS, INC.	291,496	\$203.00
RF272-48469	SANDBERG FARM	221,340	\$154.00
RF272-54196	BERCON PACKAGING	2,202,291	\$1,531.00
RF272-62153	QUINLAN FARMS, INC.	650,434	\$452.00
RF272-62325	DAVIS LUMBER CO., INC.	684,106	\$476.00
RF272-62374	ROBERT SNELLING	240,994	\$168.00
RF272-63072	BAKER & SON	230,640	\$160.00
RF272-63685	STULL CHEMICAL COMPANY TRUST	530,054	\$369.00
RF272-64305	MOST BLESSED SACRAMENT CHURCH	546,005	\$380.00
RF272-64958	FIM STORES, INC.	216,920	\$151.00
RF272-66038	ARIZONA EXPRESS, INC.	1,059,369	\$737.00
RF272-67551	ST. MARY'S HOSPITAL FOR CHILD.	846,657	\$589.00
RF272-69664	FULTON MONTGOMERY COMMUNITY CO	1,319,576	\$918.00
RF272-71078	ANITA F. OETTING	218,737	\$152.00
RF272-72354	MISS SALLY C, INC.	1,041,796	\$724.00
RF272-73465	FORT STRONG APARTMENTS	499,257	\$347.00
RF272-74267	NORTHSHORE SCHOOL DIST. 417	2,976,355	\$2,070.00
RF272-74821	YAKIMA GOLDING FARMS	2,192,956	\$1,525.00
RF272-75486	EL PASO I.S.D.	1,795,617	\$1,249.00

RF272-91703	K & B, INC.	259,123	\$180.00
RF272-92450	KENTUCKY & TENNESSEE RAILWAY	578,219	\$402.00
RF272-92551	JACK LESMEISTER	212,486	\$148.00
RF272-94322	NEWMAN CONSTRUCTION CO., INC.	165,112	\$115.00
RF272-94422	MILES FARM SUPPLY	205,363	\$143.00
RF272-96594	WESTERN GEOPHYSICAL	7,156,968	\$4,977.00
RF272-98234	COPPER RIDGE CO.	4,066,352	\$2,828.00
RK272-00432	CASCADE AGGREGATES, INC.	721,942	\$502.00
RK272-00450	SILVERIA LAND LEVELING	475,680	\$331.00
RK272-00951	FRANK COWAN	1,370,028	\$953.00
RK272-03279	BERMAN'S MOTOR EXPRESS, INC.	5,226,213	\$3,634.00
RK272-03666	WARFEL TRUCKING, INC.	1,054,197	\$733.00
RK272-03810	HOWARD J. SMITH	654,458	\$455.00
RK272-04057	CHOCK FULL O'NUTS CO.	1,763,104	\$1,226.00
RK272-04211	RAMON E. TROWER JR.	180,525	\$126.00
RK272-04436	RHONE-POULENC RORER PHARMAC.	1,290,253	\$897.00
RK272-04675	LESUEUR-RICHMOND SLATE CORP.	1,643,927	\$1,143.00
RK272-04694	M.J. CESARONI, JR. SEAFOOD	1,345,936	\$936.00
RK272-04787	KEY AIRLINES, INC.	8,513,067	\$5,920.00
RK272-04855	RUSSELL HOSIERY MILL	790,464	\$550.00
<b>Totals</b>	<b>75 Applicants</b>	<b>95,520,230</b>	<b>\$66,428.00</b>